

1 ROB BONTA
2 Attorney General of California
3 PREETI K. BAJWA
4 Supervising Deputy Attorney General
5 JANET N. CHEN
6 Deputy Attorney General
7 State Bar No. 283233
8 1300 I Street, Suite 125
9 P.O. Box 944255
10 Sacramento, CA 94244-2550
11 Telephone: (916) 210-7319
12 Fax: (916) 324-5205
13 E-mail: Janet.Chen@doj.ca.gov
14 *Attorneys for Defendants*
15 *Bloise, Davis, Diaz, Duke, Feston, Franco, Haub,*
16 *and Taylor*

17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

C. JAY SMITH, et al.,

4:20-cv-04335-HSG

10 Plaintiff,

v.

R. DIAZ, et al.,

11 Defendants.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**JOINT STIPULATION AND ORDER TO
EXTEND DEADLINE FOR
DEFENDANTS BLOISE, FESTON,
HAUB, DUKE, FRANCO, AND TAYLOR
TO FILE A RESPONSIVE PLEADING
TO PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Judge: Hon. Haywood S. Gilliam, Jr.
Trial Date: None set
Action Filed: June 29, 2020

Under Local Rule 6-2, Plaintiff C. Jay Smith and Defendants Bloise, Duke, Feston, Franco, Haub, and Taylor (collectively “the Parties”), by and through their undersigned counsel stipulate and agree as follows:

On June 10, 2022, Defendants Diaz and Davis moved to dismiss claims against them in Plaintiff’s First Amended Complaint. (ECF No. 43.) The parties agree to the following briefing schedule on Defendants’ Diaz and Davis’s motion. Plaintiff’s opposition will be due on or before September 16, 2022. Defendants’ reply will be due 21 days after on October 7, 2022.

1 The remaining Defendants Bloise, Feston, Haub, Duke, Franco, and Taylor were not parties
2 to the motion to dismiss, and seek an order staying their responsive pleading deadline until the
3 Court rules on the pending motion to dismiss filed by Defendants Diaz and Davis. The purpose
4 of the requested stay is to allow all of the Defendants to serve a single Answer after the pleadings
5 have been settled.

6 In view of these circumstances, the Parties believe good cause exists and so stipulate to
7 stay the responsive pleading deadline for Defendants Bloise, Duke, Feston, Franco, Haub, and
8 Taylor until 14 days after the Court rules on the motion to dismiss filed on behalf of the
9 Defendants Diaz and Davis.

IT IS SO STIPULATED.

12 || Dated: June 24, 2022

/s/ Janet N Chen

Janet N. Chen
Deputy Attorney General
Attorney for Defendants
Bloise, Davis, Diaz, Duke, Feston, Franco, Haub,
and Taylor

16 || Dated: June 24, 2022

/s/ Jennifer Orthwein (as authorized on June 24, 2022)

Jennifer Orthwein
Medina Orthwein LLP
Attorney for Plaintiff Smith

FIGURE 1 FILER'S ATTESTATION

21 Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, I, Janet N. Chen, attest that
22 concurrence in the filing of this document has been obtained from each of the other signatories. I
23 declare under penalty under the laws of the United States of America that the foregoing is true
24 and correct. Executed on June 24, 2022, at Sacramento, California.

/s/ Janet N. Chen
Janet N. Chen

ORDER

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO

ORDERED THAT:

Plaintiff's deadline to oppose Defendants Diaz and Davis's Motion to Dismiss is extended to September 16, 2022. Defendants' reply will be due on October 7, 2022.

Defendants Bloise, Duke, Feston, Franco, Haub's deadline to file a responsive pleading is stayed until 14 days after the Court rules on the Motion to Dismiss filed on behalf of the Defendants Diaz and Davis.

Dated: 6/27/2022

Haywood S. Gill, Jr.
HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE

SA2021400482
36281282.docx